



APPLICATION GUIDE FOR USE OF EXPERIMENTAL PESTICIDES ON TERRESTRIAL SITES

The **Washington State Experimental Use Permit (WSEUP)**, which is issued by the Washington State Department of Agriculture (WSDA), is required for all experiments involving the application of unregistered pesticides or for uses that are not allowed on the pesticide label. Limited amounts of a pesticide may be distributed or used for experimental purposes when a WSEUP has been approved for purposes that include the generation of data necessary to support an application for federal registration under Section 3 or state registration of Section 24(c), Section 25b or spray adjuvants.

APPLICATION PROCESS

Complete the one page WSEUP form (AGR 630-4257) and submit the signed application with all supporting documents to the WSDA at least 30 days prior to proposed beginning treatment date. There is no Washington State EUP registration fee.

In most situations, only a state WSEUP is required for the experimental use of a pesticide. A federal experimental use permit (EUP) may be required when a small-scale test will be conducted on a cumulative total of more than 10 acres of land per pest on terrestrial sites. Any person with an approved federal EUP will need to submit the EPA approval letter and label, and EUP Program (Section G of the EPA petition) with the WSEUP application to WSDA.

All distribution and use of pesticides for experimental purposes are subject to the restrictions, terms and conditions described in the WSEUP application, such as the following:

For terrestrial applications leave at least a 25 foot untreated buffer between treatment area and fish-bearing waters if the product is highly to very highly toxic to fish and aquatic invertebrates and will be applied using non-powered ground equipment (i.e. backpack sprayers) or 50 feet for powered ground equipment (i.e. airblast). Leave at least a 10-foot untreated buffer between treatment area and fish-bearing waters if the product is moderately toxic to fish and aquatic invertebrates and applied using non-powered ground equipment or 25 feet for powered ground equipment.

WSDA may amend the permit at any time to address data requirements or application restrictions or conditions. Experimental pesticides may not be sold or distributed other than through participants and, if sold or distributed through participants, may be used only at an application site of a cooperator.

Any pesticide remaining after the experimental use may be used according to the federal or state registered label, returned to the manufacturer or properly disposed. Uses of experimental pesticides are not exempt from other state/federal laws. Except as provided in RCW 17.21.203, a Demonstration and Research license is required to use or supervise the use of any experimental or restricted use pesticide when applied on small plots for research purposes.

All treated crop (food or feed) must be destroyed unless EPA has established a tolerance or exempted the use from the requirements of a tolerance. "Destroyed" means rendered unusable for food or feed or used for research purposes only. WSDA must be notified in advance, in writing, of the time, place and method of crop destruction.

CONTACTS

If you have questions or need to submit a notification for an WSEUP, please contact Steve Foss, Pesticide Information/Biopesticide Specialist, by phone (360) 902-2049, by fax (360) 902-2093, or by email at sfoss@agr.wa.gov. For information on how the USDA Animal and Plant Health Inspection Service (APHIS) regulates the movement, importation, and field testing of genetically engineered plants and microorganisms through permitting and notification procedures or PPQ 526 USDA-APHIS permits, contact Tom Wessels, WSDA Laboratory Service (phone: (360) 902-1984 or by email at twessels@agr.wa.gov) or visit the USDA-APHIS web site at <http://www.aphis.usda.gov/ppq/>. If you have questions about the WSDA's Organic Food Program material review process, please contact Mark Amrhein at (360) 902-1882 or by email at mamrhein@agr.wa.gov.

¹[Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1460, filed 10/20/99, effective 11/20/99.]